



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



271558

APR 23 2007

REPLY TO THE ATTENTION OF

76th and Albany Site

PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Trust numbers 39457 966859 and 8285
Cole Taylor Bank
Ms. Shirley Coleman
9550 West Higgins Road
Rosemont, Illinois 60018

Re: Request for Information Pursuant to Section 104 of CERCLA for the 76th and Albany Site located at 76th and Albany Chicago, Illinois.

Dear Ms Coleman:

This letter seeks your cooperation in providing information and documents relating to the contamination of the 76th and Albany Superfund Site in Chicago, Illinois ("Site"). A Superfund site is a site contaminated with high levels of hazardous substances that may present a threat to human health or the environment.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to this Information Request and attached questions (Attachment B) within ten (10) days of your receipt of this letter.

The United States Environmental Protection Agency ("U.S. EPA") is investigating the release or threat of release of hazardous substances, pollutants, or contaminants at the Site. U.S. EPA is seeking to obtain information concerning the generation, storage, treatment, transportation, and methods used to dispose of such substances that have been, or threaten to be, released from the Site. U.S. EPA will study the effects of these substances on the environment and public health. In addition, U.S. EPA will identify activities, materials, and parties that contributed to contamination at the Site. U.S. EPA believes that you might have information which may assist the Agency in its investigation of the Site.

Description of Legal Authority

The federal "Superfund" law (the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601, et seq., commonly referred to as

"CERCLA" and "Superfund") gives U.S. EPA the authority to, among other things: (1) assess contaminated sites, (2) determine the threats to human health and the environment posed by each site, and (3) clean up those sites in the order of the relative threats posed by each.

Information Request

Under Section 104(e)(2) of CERCLA, 42 U.S.C. §9604(e)(2), U.S. EPA has broad information gathering authority which allows U.S. EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (C) Information relating to the ability of a person to pay for or to perform a cleanup.

While U.S. EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information U.S. EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish U.S. EPA to treat the information confidentially, you must advise U.S. EPA of that fact by following the procedures outlined in Attachment A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. §3501 et seq.

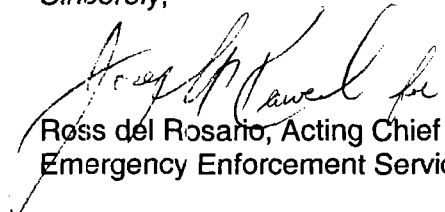
Instructions on how to respond to the questions in Attachment B to this document are described in Attachment A. Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency
William Ryczek
Emergency Enforcement Services Section, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Joseph Williams at 312-886-6631. However, if you have specific questions about the Information Request, please contact William Ryczek at 312-886-7184.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,



Ross del Rosario, Acting Chief
Emergency Enforcement Services Section

Enclosures

bcc: Joe Williams [Attorney], ORC (C-14J)
Brad Benning[OSC], (SE-5J)(SE-GI)(ME-W)(G-41)
John Maritote, EESS (SE-5J)
William Ryczek[Enforcement Specialist], EESS (SE-5J)
Denise Gawlinski, Public Affairs, (P-19J)
Records Center (SMR-7J)

Attachment A
Information Request
to Cole Taylor Bank

Instructions

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
4. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, U.S. EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to U.S. EPA.
6. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b).

If you make a claim of confidentiality for any of the information you submit to U.S. EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

1. The portions of the information alleged to be entitled to confidential treatment;

2. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
3. measures taken by you to guard against the undesired disclosure of the information to others;
4. the extent to which the information has been disclosed to others; and the precautions taken in connection therewith;
5. pertinent confidentiality determinations, if any, by U.S. EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
6. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents, is in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to U.S. EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by U.S. EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by U.S. EPA, then it may be made available to the public by U.S. EPA without further notice to you.

7. Disclosure to U.S. EPA Contractor. Information which you submit in response to this Information Request may be disclosed by U.S. EPA to authorized representatives of the United States, pursuant to 40 C.F.R. §2.310(h), even if you assert that all or part of it is confidential business information. Please be advised that U.S. EPA may disclose all responses to this Information Request to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment

on this intended disclosure within fourteen (14) days of receiving this Information Request.

8. Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

9. Objections to Questions. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.

Definitions

The following definitions shall apply to the following words as they appear in this Information Request.

1. The term "**arrangement**" means every separate contract or other agreement between two or more persons, whether written or oral.
2. The term "**documents**" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
3. The term "**hazardous substance**" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
4. The term "**identify**" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business.
5. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "**identify**" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term "**material**" or "**materials**" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

7. The term "**person**" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.

8. The term "**pollutant or contaminant**" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.

9. The term "**real estate**" shall mean and include, but not be limited to the following: land, buildings, a house, dwelling place, condominium, cooperative apartment, office or commercial building, including those located outside the United States.

10. The term "**release**" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

11. The term "**Site**" shall mean the 76th and Albany Superfund Site located at 76th and Albany Chicago, Illinois.

12. The term "**waste**" or "**wastes**" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

13. The term "**you**" or "**Respondent**" shall mean Cole Taylor Bank.

Attachment B
Requests

1. Identify the person(s) answering these questions.
2. Answer the following questions for trust numbered 39457, 966859 and 8285 for the past five years that the trusts were in existence.
 - (a) State the form of each trust and the specified state legal authority under which the trust was formed (e.g., [state e.g., MA] General Laws Chapters [182 or 203], etc.);
 - (b) State the year each trust was created;
 - (c) If the trusts no longer exist, state: (1) the year that each trust was terminated, dissolved, or liquidated; and (2) to whom the assets of each trust were distributed;
 - (d) If the trusts no longer exist, state: (1) the net worth of each trust at the time of termination; and (3) the dollar value of the assets distributed to each party;
 - (e) Briefly state the nature of each trust's activities and purposes;
 - (f) List and identify all beneficiaries of each trust;
 - (g) State the total value of payments and distributions to each beneficiary of each trust during the period being investigated. Break out the total income/payment of each beneficiary on an annual basis during years being investigated.
 - (h) List and identify all trustees, administrators, or other fiduciaries of each trust, and state the period during which each one served in that capacity.
 - (i) State the total value of compensation paid to each such trustee during the period being investigated. Break out the total compensation of each trustee on an annual basis for years being investigated.
 - (j) Provide copies of the Declaration of Trust and any other documents that memorialize or evidence the creation of each trust.
 - (k) Provide copies of all amendments to each trust.
 - (l) Provide copies of all deeds, transfer certificates of title, and other documents that memorialize or evidence transfers of any property interest for each trust during the period being investigated.

(m) Provide a description of all real estate conveyed to and from each trust (including all shared interests such as co-ownership, partnership, or other types of property interests), including: location and address; nature of interest; and date when the property was purchased.

(n) If during the last five years that each trust operated, any real estate in which each trust had a property interest was appraised for insurance policies, bank loans, tax assessments, or any other purpose:

1. Describe the property appraised;
2. State the purpose of the appraisal;
3. Provide the appraised value;

(o) If during the last five years that each trust operated, any real estate in which the trust has a property interest was rented or leased to any person:

1. Describe the property rented or leased;
2. State the dates when such property was rented or leased;
3. Identify all persons to whom such property was rented to or leased; and
4. State the amount of rent paid for each rental or leased property.

(p) If any one of the trusts, or anyone on behalf of any of the trust, is in the process of selling any real estate under contract, provide:

1. A detailed description and address of the property;
2. Name of the seller;
3. Name of the buyer;
3. Contract price.

(q) If anyone is holding any real estate or personal property on behalf of each trust, provide the following information:

1. Nature of the agreement;
2. The name of the person holding such property;
3. A detailed description of such property; and
4. The market value of such property.

3. Has the Respondent or anyone else engaged, retained, contracted, or arranged with any other person or other entity not already been identified in the responses to the previous

questions for the purposes of investing, managing, maintaining, or holding any of the assets of any the following trusts 39457, 966859 and 8285 (collectively, the "Trusts") ?
If so, for each and every situation for each trust:

- (a) Identify the person or entity and the associated trust;
 - (b) Describe the nature of the services rendered, including a description of the assets invested, managed, maintained, or held;
 - (c) Provide the commencement and expiration dates for each service; and
 - (d) Describe all benefits (or liabilities) incurred by the trust as a result of the service provided.
- 6. List of all bank accounts for each of the Trusts, including the name and address of each bank, the account numbers, and the years such accounts were active.
 - 7. Provide copies of all federal tax returns (income tax, gift tax, estate tax, or other) for each of the Trusts for the last five years the trust is or was active.
 - 8. Provide copies of all state tax returns (income tax, gift tax, estate tax, or other) for each of the Trusts for the last five years the trust was active.
 - 9. Identify and provide copies of all income statements for each of the Trusts.
 - 10. Identify and provide copies of all financial statements, financial reports, and financial projections (whether audited or unaudited), including accompanying footnotes and auditor's reports, that were prepared by, for, or on behalf of the trust, trustees, or beneficiaries for each of the Trusts.
 - 11. Identify and provide copies of all trust statements of cash flow for each of the Trusts.
 - 12. Identify and provide copies of all trust balance sheets and all other documents showing receipts and expenditures, assets and liabilities, profits and losses, distributions of corpus and income (including the name and social security numbers of beneficiaries), and all other records used for recording the financial affairs for each of the Trusts.
 - 13. Identify and provide copies of all documents showing the amount, source, and accounting basis of initial and subsequent transfers to the trust for each of the Trusts.
 - 14. Identify and provide copies of all documents that memorialize or evidence distributions of corpus or of income from each of the Trusts including but not limited to:
 - Fair market value.

- Basis of property to beneficiaries.
 - Gain or loss on in-kind distributions.
15. Identify and provide copies of all documents showing actual or proposed agreements between each of the Trusts and other persons.
 16. Identify and provide copies of all documents that memorialize or evidence the appointment, resignation, replacement, or other change of status for each trustee for each of the Trusts.
 17. Identify and provide copies of all documents that memorialize or evidence transactions between the Trusts and their trustees, beneficiaries, and/or grantors.
 18. Identify and provide copies of all documents that memorialize or evidence:
 - (a) Investments of each of the Trusts, including but not limited to investments in real estate, notes, and stock;
 - (b) The subsequent disposition of these investments.
 19. Identify all documents that memorialize or evidence liability and/or life insurance owned by each of the Trusts, including but not limited to:
 - Name, address, and social security number of the insured.
 - Name and address of insurance company.
 - Policy number and face amount of insurance policy.
 - Beneficiaries.
 20. Identify those individuals and entities who performed the accounting functions, or who prepared journals, work papers, financial statements or tax returns, or performed similar functions for each of the Trusts.